

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

CIVIL NO. 3:98CV394

CALVIN R. LUCKEY, and wife PEGGY )

G. LUCKEY, *et al.*, )

)

This document pertains to: )

THEODORE BALLARD, JR.; FLOYD )

J. BOWMAN; WILLIE J. BURT, JR.; )

CLEMENT KEENE, and wife )

BARBARA JO DEATHERAGE KEENE;) )

JUDY HORNE MARTIN, Individually )

and as Executrix of the Estate of )

Ray E. Martin, Deceased; GENE A. )

SHIRES, and wife HELEN SHIRES; )

JACKSON J. SMITH, and wife )

CAROLYN S. SMITH; ROGER )

FRANKLIN THOMAS, and wife ELLA )

SHINN THOMAS; DONNIE BAILEY; )

RAYMOND L. MOORE; JIMMY W. )

NEAL, SR., and wife DOREEN K. )

NEAL; JOHN A. NOBLE, III, and wife )

WENDY ROBIN HASTINGS NOBLE; )

ROGER D. SMITH, and wife MARGIE )

P. SMITH; WILLIAM E. SMITH; )

RONNER BYERS, and wife FRANCES) )

W. BYERS; RICHARD ALLEN JONES, )

and wife JUDY ANN FINK JONES; )

TONY E. ROGERS, and wife )

PATRICIA LaDONNE C. ROGERS; )

KENNETH G. SMITH, and wife )

MARGARET SMITH; DAVID R. )

TURNER; DAVID R. WHITESIDE, SR., )

and wife LINDA L. WHITESIDE; and )

SYLVIA L. JOHNSON, Executrix of )

<b>the Estate of Clarence Luckey, Sr.,</b>	)	
<b>Deceased,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>Vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>CLEAVER BROOKS; CROWN CORK</b>	)	
<b>&amp; SEAL COMPANY, INC.; GEORGIA-</b>	)	
<b>PACIFIC CORPORATION;</b>	)	
<b>NORTH BROTHERS, INC.;</b>	)	
<b>OWENS-ILLINOIS, INC.; RAPID</b>	)	
<b>AMERICAN CORPORATION, and</b>	)	
<b>D. B. RILEY CORPORATION,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

**THIS MATTER** is before the Court on the joint motion of the specific Plaintiffs captioned above and the Defendant Owens-Illinois, Inc., to dismiss their claims against said Defendant.

For the reasons stated in the motion,

**IT IS, THEREFORE, ORDERED** that the joint motion to dismiss is **ALLOWED**, and the claims of Sylvia L. Johnson, Executrix of the Estate of Clarence Luckey, Sr., Deceased; Judy Horne Martin, Individually and as Executrix of the Estate of Ray E. Martin, Deceased; Jimmy W. Neal, Sr., and wife Doreen K. Neal; and Jackson J. Smith, and wife Carolyn S. Smith,

against the Defendant Owens-Illinois, Inc., are hereby **DISMISSED WITH PREJUDICE.**

**IT IS FURTHER ORDERED** that the claims of Plaintiffs Donnie Bailey; Theodore Ballard, Jr.; Floyd J. Bowman; Willie J. Burt, Jr.; Ronner Byers, and wife Frances W. Byers; Richard Allen Jones, and wife Judy Ann Fink Jones; Clement Keene, and wife Barbara Jo Deatherage Keene; Raymond L. Moore; John A. Noble, III, and wife Wendy Robin Hastings Noble; Tony E. Rogers, and wife Patricia LaDonne C. Rogers; Gene A. Shires, and wife Helen Shires; Kenneth G. Smith, and wife Margaret Smith; Roger D. Smith, and wife Margie P. Smith; William E. Smith; Roger Franklin Thomas, and wife Ella Shinn Thomas; David R. Turner; and David R. Whiteside, Sr., and wife Linda L. Whiteside, against the Defendant Owens-Illinois, Inc., are hereby **DISMISSED WITHOUT PREJUDICE.**

Signed: February 21, 2007

  
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Lacy H. Thornburg  
United States District Judge